

Committee Room,
Austin, Texas, April 14, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on En-
rolled Bills, have had Senate Bills
Nos. 317, 222 and 376 carefully ex-
amined and compared and find same
correctly enrolled.

WESTERFELD, Chairman.

SIXTIETH DAY.

(Friday, April 16, 1937)

The Senate met at 10 o'clock a.
m., pursuant to adjournment, and
was called to order by President
Woodul.

The roll was called and the fol-
lowing Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

A quorum was announced present.

The invocation was offered by
the Chaplain.

Reading of the Journal of the pro-
ceedings of yesterday was dispensed
with, on motion of Senator Roberts.

Reports of Standing Committees.

Reports on Senate Bills Nos. 478,
and 139, and on House Bill No. 772,
on H. J. R. No. 2 and on S. C. R.
No. 55 were submitted by the chair-
men of the several committees to
which they were referred.

Senate Bill No. 477 on First Reading.

Senator Oneal moved that the
rule limiting the time for introduc-
tion of certain bills to the first 45
days of the session be suspended, to

permit the introduction at this time
of a bill, the provisions of which
he explained.

(Senator Rawlings in the Chair.)

The motion prevailed by the fol-
lowing vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The following bill was then intro-
duced, read first time and referred
of the Committee on Civil Juris-
prudence.

By Senator Oneal:

S. B. No. 477, A bill to be entitled
"An Act defining the term 'taxing
unit,' and providing that in any suit
brought by or in behalf of any tax-
ing unit for delinquent taxes other
taxing units having delinquent tax
claims against the property may be
impleaded or may intervene; and
providing for the nature, character
and contents of citation upon de-
fendants, and service thereof; and
providing for the adjudication of
the reasonable fair value of the
property; and providing for court
costs, expenses of sale and expenses
in producing necessary data and in-
formation for filing such suits; and
providing for procedure in such
suits; and providing for citation and
service upon absent, non-resident
and unknown defendants and pro-
viding for publication notice; and
providing that if property be sold
under decree in such a suit to any
taxing unit which is a party to said
suit, title to same shall be bid in
and held by the taxing unit pur-
chasing same for the use and bene-
fit of itself and all other taxing units
in said suit, in proportion to the

amount of tax liens held by said taxing units against such property as established by judgment in said suit; and providing the manner and price at which such property may be sold by the taxing unit purchasing same; and providing for the manner of distributing the proceeds of such property when sold; and providing the manner and price at which property may be sold for taxes under decree in such suit to the owner, directly or indirectly, or to anyone having an interest therein, or to any party other than a taxing unit which is a party thereto; and providing for the distribution of the proceeds of such sale; and providing that the purchaser of property sold for taxes in such suit should take title clear of all liens or claims for taxes delinquent at the time of judgment and belonging to any taxing unit which was a party to said suit or had been served therein; and providing for precedence and priority of such delinquent tax suits in the district and appellate courts; and providing for issuance of writ of possession and redemption of property sold for taxes; and in case the governing body of any taxing unit shall fail within sixty (60) days after taxes became delinquent to sue for collection, and in case such delinquent taxes were levied to meet requirements of outstanding obligations of such taxing unit, providing certain remedies for holders of such obligations; and providing that if any part or portion of the Act be in conflict with any part or portion of any law of the State, the terms and provisions of this Act shall govern; and declaring an emergency."

Senate Bills Nos. 478 and 479 on First Reading.

The following (local) bill and emergency appropriation bill were introduced, read first time and referred, respectively, to the Committee on Counties and County Boundaries, and the Committee on Finance.

By Senator Roberts:

S. B. No. 478, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and

Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature, relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million Dollars, according to the last approved tax rolls; and providing that in all counties of not less than 23,701 inhabitants and not more than 23,860 inhabitants according to the last preceding Federal Census, the commissioners' court thereof shall have the power to determine whether an auditor for such county is a public necessity in the dispatch of the county's business, and if such court determine that such necessity exists for such auditor, it may appoint same, who shall qualify and perform the duties required of a county auditor in this State, and such commissioners' court shall have the power to discontinue such office at any time that it may determine that such auditor be not a public necessity; and providing for additional compensation for the county auditors in such counties having more than 200,000 population and not more than 300,000 population according to the last Federal Census where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county; and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby."

By Senator Redditt:

S. B. No. 479, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue Fund of the State to the Attorney General's Department, for the purpose of paying costs in civil cases, for the balance of the fiscal year ending August 31, 1937, and declaring an emergency."

Senate Bill No. 480 on First Reading.

Senator Stone moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The following bill was then introduced, read first time, and referred to the Committee on Civil Jurisprudence:

By Senators Stone and Van Zandt:

S. B. No. 480, A bill to be entitled "An Act to amend Article 7057b, Section, 2, Revised Civil Statutes, H. B. No. 11, Act of the Regular Session, Forty-third Legislature, so as to clarify the kind of suits to be included in a class action as provided in Section 2 of said article; to provide that suit may be filed in a court of competent jurisdiction in Travis County, Texas, when the total taxes accrued comes in the jurisdiction of said court; to provide that original petitions may be amended to include additional taxes paid under protest; providing that the provisions of this Act shall apply to taxes paid under protest and where suits are now pending testing the validity and correctness of such taxes, and declaring an emergency."

Senate Resolution No. 68.

Senator Oneal offered the following resolution:

34—Jour.

I move that the Senate hold a session at 7:30 o'clock Monday evening, April 19th, for the purpose of passing local and non-contested bills, with the agreement that if three Senators present object to the consideration of a bill, the author or sponsor of the bill will not insist on a consideration of the same at that session; providing that each Senator desiring to pass a bill or bills at that session give the number of the same to the calendar clerk by Saturday morning, in order that a calendar of the bills to be considered may be in the hands of the Senators by 9:00 o'clock Monday morning.

The resolution was read.

(President in the Chair.)

Senator Oneal asked unanimous consent to move that the regular order of business be suspended, to permit consideration of the resolution at this time.

The President announced that there was objection to the request.

The resolution was transmitted to the President's table.

Senate Bill No. 235 With House Amendments.

Senator Collie called up S. B. No. 235 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

The Senate concurred in the House amendments by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Senate Joint Resolution No. 5 on Engrossment.

The President laid before the Senate, as unfinished business, on its passage to engrossment (the resolution having been read second time on Wednesday, April 7, 1937):

S. J. R. No. 5, Proposing an amendment of Section 51b of Article III of the Constitution of the State of Texas so as to require the Legislature to provide for a system of Old Age Pension and/or Assistance not to exceed Fifteen Dollars (\$15) per person per month to actual bona fide residents of the State of Texas, over the age of sixty-five years, excluding therefrom habitual criminals, habitual drunkards and inmates of a State supported institution; providing for the length of time of actual residence by applicants within the State of Texas; authorizing the Legislature to accept financial assistance from the United States Government for Old Age Pensions and/or Assistance levying a two per cent occupation tax on persons engaged in the business of making retail sales of goods, wares, merchandise and commodities including the gross receipts of places of amusement; creating a Special Old Age Pension and/or Assistance Fund or funds and providing that same shall never be diverted; providing that said fund shall be prorated to the aged of this State without regard to previous standards of living, income or other restrictions than those specifically set forth; requiring the Legislature to define terms, to set up machinery to administer such law and to make appropriations necessary for the administration of same; providing for the necessary proclamation, publication and election.

With amendment by Senator Sulak, substitute by Senator Small and others for the amendment, amendment by Senator Aikin to the substitute, and substitute by Senator Hill for the amendment to the substitute, pending.

Senator Hill moved that the resolution be tabled subject to call.

Yeas and nays were demanded, and the motion to table subject to call prevailed by the following vote:

Yeas—14.

Aikin	Isbell
Burns	Neal
Collie	Newton
Cotten	Oneal
Davis	Roberts
Head	Sulak
Hill	Westerfeld

Nays—11.

Brownlee	Spears
Holbrook	Stone
Moore	Van Zandt
Pace	Weinert
Rawlings	Winfield
Shivers	

Absent.

Beck	Redditt
Lemens	Small
Nelson	Woodruff

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, April 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 47, A bill to be entitled "An Act to carry into effect Section 48a of Article III of the Constitution; to establish a Teachers' Retirement System of Texas; to determine membership and conditions of membership in said system; to provide for a board of trustees of said system and for the administration of its affairs; to provide for officers and a medical board and to define their duties; to provide for the adoption of actuarially-made mortality, service and other tables as may be deemed necessary; to provide for the creation, management and distribution of the Teacher Savings Fund, the State Accumulation Fund, the Annuity Reserve Fund, the Interest Fund, the Permanent Retirement Fund, and the Expense Fund of the said system; and to provide a method of financing said system."

(With amendments.)

S. B. No. 89, A bill to be entitled "An Act amending Article 1583 of

the Penal Code of Texas, 1925, relating to work and vacation of firemen and policemen in cities of more than twenty-five thousand (25,000) inhabitants and in cities of more than thirty thousand (30,000) inhabitants; fixing the number of hours that shall constitute a legal day's work in such departments; providing for emergency pay; providing for a minimum wage scale; providing penalty for violation of the provisions of this article, and declaring an emergency."

(With amendments.)

S. B. No. 106, A bill to be entitled "An Act repealing H. B. No. 51, Chapter 9, passed by the Forty-third Legislature, at its First Called Session, creating the Bank Deposit Insurance Company, authorizing the liquidation of the affairs of the Bank Deposit Insurance Company; providing a method and a jurisdiction for such liquidation; providing for the right of objection upon the part of any person aggrieved and authorizing a hearing thereon; providing for appeal and writ of error; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motion to Suspend Regular Order.

Senator Hill moved that the regular order of business be suspended to take up for consideration at this time:

S. R. No. 68, providing for a night session of the Senate next Monday night, April 19, 1937.

The motion to suspend was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17.

Aikin	Lemens
Burns	Neal
Collie	Nelson
Cotten	Newton
Davis	Oneal
Head	Roberts
Hill	Van Zandt
Holbrook	Westerfeld
Isbell	

Nays—10.

Brownlee	Shivers
Moore	Stone
Pace	Sulak
Rawlings	Weinert
Redditt	Winfield

Absent.

Beck	Spears
Small	Woodruff

Senate Bill No. 89 With House Amendments.

Senator Spears called up S. B. No. 89 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate and the House amendments were read.

Senator Spears moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Weinert
Neal	Westerfeld
Nelson	Winfield
Newton	

Absent.

Beck	Woodruff
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Senate Joint Resolution No. 5 on Engrossment.

Senator Sulak called up from the President's table S. J. R. No. 5, on its passage to engrossment, with amendment by Senator Sulak, substitute by Senator Small and others for the amendment, amendment by Senator Aikin to the substitute, substitute by Senator Hill for the amendment to the substitute pending.

The President laid the resolution and pending amendments before the Senate.

Question then first recurring on the substitute for the amendment to the substitute, yeas and nays were demanded.

The substitute for the amendment to the substitute was lost by the following vote:

Yeas—11.

Aikin	Lemens
Burns	Spears
Cotten	Sulak
Head	Van Zandt
Hill	Westerfeld
Isbell	

Nays—17.

Brownlee	Rawlings
Collie	Redditt
Davis	Roberts
Holbrook	Shivers
Moore	Small
Neal	Stone
Nelson	Weinert
Oneal	Winfield
Pace	

Absent.

Beck	Woodruff
Newton	

Senator Hill offered a substitute for the amendment to the substitute.

Senator Van Zandt raised a point of order on consideration of the substitute by Senator Hill for the amendment to the substitute at this time, on the ground that it is in fact a complete substitute for the entire amendment of Senator Sulak, one substitute for which has already been offered by Senator Small and is now pending.

The President sustained the point of order.

Senator Small moved to table the amendment by Senator Aikin to the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17.

Brownlee	Rawlings
Collie	Redditt
Davis	Roberts
Holbrook	Small
Moore	Stone
Neal	Van Zandt
Nelson	Weinert
Oneal	Winfield
Pace	

Nays—12.

Aikin	Head
Beck	Hill
Burns	Isbell
Cotten	Lemens

Newton	Sulak
Spears	Westerfeld

Absent.

Shivers	Woodruff
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Senator Oneal offered the following amendment to the substitute:

Amend Small substitute amendment to S. J. R. No. 5 by striking out of sub-division (2) of section 1 all that part of said sub-division (2) after the words "actual producer," and inserting in lieu thereof the following:

"nor to sales of motor fuel, tobacco and tobacco products, spirituous, vinous or malt liquors. All revenues derived from such sales tax authorized herein shall be collected and placed in special fund or funds and used solely for the purpose of discharging the functions herein authorized, including necessary cost of administration. There shall never be levied in this State a sales tax or gross receipts tax on the sales herein provided to be taxed other than the one herein provided."

The amendment to the substitute was adopted.

Senator Oneal offered the following amendment to the substitute:

Amend Small amendment to S. J. R. No. 5 by adding immediately after the word "Assistance" in line 4 of subdivision (1) of section 1, the following:

"Under subdivision (2) of this section."

The amendment to the substitute was adopted.

Senator Stone offered the following amendment to the substitute:

Amend subdivision (2) of Section 51 B of the Small substitute as amended by adding the following:

"and of replacing the State tax on property heretofore remitted by the State to conservation districts created by Act or Acts of the legislature."

(Senator Rawlings in the Chair.)

On motion of Senator Stone, the amendment to the substitute was tabled subject to call.

(The President in the Chair.)

Senator Sulak offered the following amendment to the substitute:

Amend the Small substitute for

the Sulak amendment to S. J. R. No. 5 by striking out Section 2 and inserting the following:

Section 1. That on and after January 1st, 1937, no state ad valorem tax shall be levied or collected for the benefit of the general revenue fund or for the benefit of the available free school fund, and on and after such date no ad valorem tax shall be levied or collected for state purposes, save and except a tax of seven cents (\$.07) on the one hundred dollars for the payment of Confederate pensions as heretofore provided by law; provided, however, that nothing herein shall be construed so as to prohibit the collection of any taxes that may have accrued prior to the first day of January, 1937, but all such taxes shall be and remain valid obligations collectible as now provided by law.

Sec. 2. Section 1 of Chapter 213, Acts of the 42nd Legislature, page 355, and Chapter 162, page 409 of the Acts of the Forty-third Legislature, as amended by Chapter 12, page 43 of the Acts of the First Called Session of the Forty-third Legislature, and Chapter 73, page 111, of the Acts of the Forty-second Legislature be and the same are all hereby amended so as to read as follows:

That on and after the first day of January, 1937, every person or persons, corporations, partnership, individual, trustee, receiver, trust estate, executor, and/or administrator owning, controlling, managing, leasing, and/or operating any mine, well, shaft, or other device whereby oil, and/or sulphur and/or gas is produced in any manner from the earth or waters in this State shall make monthly, on the 25th day of each and every calendar month of each year, a report to the State Comptroller of Public Accounts on such forms as the Comptroller shall prescribe, and sworn by such person before an officer authorized to administer oaths in the State, or if such person be other than a natural person, sworn to by its president, secretary or other duly authorized officer, which report shall show the total amount of oil, sulphur and gas produced within this State by said person during the calendar month next preceding, and at the time of making such report shall pay to

the Treasurer of this State as an occupation tax for the month covered by said report, an amount equal to the highest total tax levied by Section 3 of this Act.

Sec. 3. There is hereby levied an occupation tax on all producers, as such term is hereinafter defined, of three cents (\$.03) per barrel for each barrel of forty-two (42) standard gallons of oil produced from any marginal well, as said term is defined in Chapter 58, page 92 of the Acts of the Forty-second Legislature, as amended by Chapter 97, page 215, Acts of the Forty-third Legislature, and a tax of six cents (\$.06) per barrel for each barrel of forty-two (42) standard gallons of oil produced from any well in this State other than a marginal well, from which oil is produced by any method of pumping; and a tax of nine cents (\$.09) per barrel for each barrel of forty-two (42) standard gallons of oil produced from any flowing oil well in this State producing less than fifty (50) barrels of oil per day; and a tax of twelve cents (\$.12) per barrel for each barrel of forty-two (42) standard gallons of oil produced from any flowing well within this State producing more than fifty (50) barrels of oil per day; and a tax of twelve cents (\$.12) per barrel for each barrel of forty-two (42) standard gallons of oil imported into this State and thereafter sold in intrastate commerce in this State, and in case of such sale, the party making the first sale in intrastate commerce in this State shall be deemed to be the producer of such oil; and a tax of one dollar and fifty cents (\$1.50) per ton for each long ton of twenty-two hundred (2200) pounds of sulphur produced within this State, and a tax of one-half cent (1/2c) per thousand cubic feet of sour gas produced within this State; and a tax of one cent (\$.01) per thousand cubic feet for each thousand cubic feet of sweet gas produced within this State; and tax of one cent per thousand cubic feet for each thousand cubic feet of gas of any kind imported into this State and thereafter sold in intrastate commerce in this State; and in case of such sale, the party making the first sale in intrastate commerce within this State shall be deemed to be the producer of such gas.

Said tax shall be computed upon the total barrels of oil and/or tons of sulphur, and/or cubic feet of gas produced and/or salvage from the earth and/or waters of this State and/or imported into and sold in intrastate commerce in this State, without any deduction and all such weights and measures shall be based on the standards established by the United States Bureau of Standards, and shall be corrected both for temperature and atmospheric pressure.

Sec. 3a. It shall be the duty of such producers to keep accurate records of all of such minerals produced, making monthly reports under oath, as hereinbefore provided. The purchasers of such minerals shall pay the taxes afordescribed on all such minerals purchased and deduct the tax so paid from the payment due the producer or other interest holder, remitting such payments so deducted to the Comptroller of Public Accounts in legal tender or cashier's check payable to the Treasurer of this State, and when such purchaser shall have made such remittance and payment, the producer of such minerals shall be relieved of paying the tax set out in Section 3 hereof and in this section levied to the extent of such payments, but no further, and it shall be the duty of such producer to secure from such purchaser a receipt from the Comptroller of Public Accounts for all of such payments and to attach same to the monthly report required in Section 2 hereof, and such purchaser shall be entitled to no greater deduction in said tax than the amount evidenced by such receipts so attached. Provided further that if any sulphur and/or oil and/or gas produced is not sold within the calendar month in which it may be produced, then the producer thereof shall pay the entire tax thereon at the same rate and in the same manner as if such minerals had been sold; provided further that unless such payment of tax on all of the aforementioned minerals produced during any month or fractional part thereof shall have been made on or before the 25th day of the month immediately following such payment, shall become delinquent and a penalty of ten per cent (10%) of the amount of the tax shall be added, and such tax and penalty shall bear interest at the rate

of six per cent (6%) per annum from the date due until paid.

Sec. 4. The tax hereby levied is an occupation tax on the occupation of producing oil and/or sulphur and/or gas, and shall be borne by the producer of such minerals, and no part thereof shall be deducted from any royalty payments otherwise due by any producer within this State, but any purchaser of the minerals hereinafter named is hereby authorized to withhold, from any payment due said producer, any unpaid tax.

Sec. 5. Producers and/or purchasers of the aforementioned minerals shall keep in Texas, upon forms furnished by the Comptroller, a complete record of all such minerals produced and a record of all such minerals sold; reports shall be filed with the Comptroller monthly by producers and purchasers, not later than the 25th of each calendar month, showing the amount of minerals produced and the amount of minerals sold during the month preceding.

Sec. 6. All railroads, barges, trucks and/or pipe lines, carrying or transporting such minerals for hire, for themselves or their owners shall keep in Texas a complete and accurate record of all minerals so handled by months, showing date received, number of tons, barrels, and cubic feet, by whom received, point of delivery, to whom delivered and manner of transportation and such records shall be open to the inspection of the duly authorized agents of the Comptroller or the Attorney General at all times, and, if so requested by the Comptroller, shall furnish information and reports of movements as often as required by the Comptroller.

Sec. 7. Purchasers buying any such minerals from properties in litigation or in receivership, bankruptcy, or any other legal proceedings, or covered by assignments, are required to deduct the amount of the taxes levied by this Act, before payment is made to the producers, trustees, assignees or to any person who claims ownership of said funds, or before the proceeds of said purchase of any such minerals is impounded or escrowed by said purchaser pending such litigation or tenure of assignments, and shall remit said tax deducted in the same manner as if

said minerals had been purchased from any other source; and providing that said purchaser shall not be liable to any claimant of said funds on account of payment of said tax.

Sec. 8. Monthly reports by producers shall be filed with the Comptroller upon such forms as may be designated by that official, showing the total number of tons, barrels and cubic feet of any such minerals produced monthly, the name of the county from which produced, the name of the lease from which produced, the disposition made of such minerals if sold, the name and correct address of the purchaser, and if not sold, the location of storage, if owned by such operator, or if stored with a pipe line or a refinery, the correct name and address of such pipe line or refinery. All reports so made shall be duly sworn to by the producer or his authorized agent.

Sec. 9. Purchasers of any such minerals shall accompany the remittance for taxes deducted from settlements as provided herein, with a statement or report in a form to be prescribed by the Comptroller, showing complete information requested in such form, including name and address of producer from whom such minerals were purchased; name of the county from which such minerals were produced; name of the lease and the total amount purchased.

Sec. 10. For the occupation tax, penalties and interest herein provided for, the State shall have a prior and preferred lien on any leasehold interest, ownership of the mineral rights, or interest, including minerals produced and/or run, owned by the person owing any tax thereon; and in addition thereto such lien shall include equipment, tools, tanks, and all other implements used on said lease and/or premises from which such minerals are produced.

Sec. 11. It shall be the duty of the Attorney General to bring legal action for the collection of delinquent taxes herein levied, and any suit instituted for such purpose shall attach to any such minerals in storage, in transit, or being produced by such operator, the venue for such suits herein provided shall be in the District Court of Travis County, Texas.

Sec. 12. It shall be the duty of the Comptroller to promulgate rules and regulations governing the detailed administration of the terms

and requirements of this Act not specifically mentioned herein; to employ auditors or tax supervisors for the purpose of verifying reports and investigating the affairs of producers and/or purchasers to determine whether the tax is being properly reported and paid; to provide the necessary office help and equipment for the proper execution of the provisions of this Act, and for the purpose of defraying the necessary expense of said administration, including salaries of supervisors, auditors, office help, filing equipment, typewriters and supplies, printing of forms, publication of regulations, postage, telephone and telegraph, traveling expenses of employees, and traveling expenses of witnesses not otherwise paid; and all of the sums heretofore appropriated for the fiscal years beginning on September 1, 1936, and September 1, 1937, for the enforcement of the present occupation tax on the production of sulphur, and the present occupation tax on the production of oil, and the present occupation tax on the production of natural gas, are hereby re-appropriated for the purpose of enforcing the provisions of this Act, provided that no salaries shall be paid out of said re-appropriated funds in excess of the amount of the salaries heretofore provided.

Sec. 13. For the purposes of this Act the term

(1) "Producer" shall mean any person or persons, corporation, partnership, individual, trustee, receiver, trustee estate, executor or administrator owning, controlling, managing, leasing or operating any mine and/or well in this State from which is produced oil and/or sulphur and/or gas by taking it from the earth or waters in this State, and shall likewise include any person who first sells in intrastate commerce any oil, sulphur or gas theretofore imported into this State.

(2) "Carrier" shall mean the operator or owner of any means of transporting any oil, sulphur or gas or any instrumentality that may now be used or come into use for the purpose of effecting such transportation.

(3) "Purchaser" shall mean any individual, person or persons, partnership, corporation, refinery, pipe line or agent purchasing any crude oil, and/or sulphur and/or gas for any purpose or use within this State.

(4) "Oil" as used herein shall mean petroleum oil, mineral oil, or other oil taken from the earth.

(5) "Sulphur" as used herein shall mean any sulphur, whether in liquid, molten or solid state, produced or taken from the earth or waters of the earth.

(6) "Gas" and "Natural Gas" as such terms are used herein shall mean and include any and all inflammable gases produced or taken from the earth or from any strata under the earth.

(7) "Reports" shall mean any reports required to be furnished in this Act or that may be required by the Comptroller in the administration of this Act.

(8) "Person" shall mean and include any person, firm, concern, receiver, trustee, executor, administrator, agent, institution, association, partnership, company, corporation, and persons acting under declarations of trust as well as the trustees acting under such declarations of trust.

(9) "Comptroller" shall mean Comptroller of Public Accounts of the State of Texas.

(10) "Minerals" shall mean and include oil, sulphur and natural gas.

Sec. 14. The taxes herein imposed and provided, when paid shall be and are hereby allocated as follows, to-wit:

All of the receipts from such tax shall be divided into three equal parts as same are collected. One part shall be deposited to the credit of the available Free School Fund of this State; one part shall be deposited, as collected, to the credit of the General Revenue Fund of this State, and one part shall be deposited, as collected, to the credit of the Old Age Assistance Fund of this State.

Sec. 15. It is expressly declared to be the legislative intent that the several sections and sub-sections of this Act are severable and should any section or sub-section of this Act be declared to be unconstitutional, it shall not effect the remaining provisions of this Act and the Legislature would have enacted such remaining provisions nevertheless, and all remaining sections and sub-sections shall remain in full force and effect, save that it is further expressly provided that in event any of the tax hereby levied should for any reason

be declared to be unconstitutional or void, then and in that event, it is the legislative intent that none of the statutes mentioned in Section 2 hereof would have been repealed, and the Legislature enacts this bill with the intention that, should any tax hereby levied be hereafter declared unconstitutional or void for any reason, the repeal provisions of Section 2 of this Act shall likewise be null and void.

Sec. 16. The fact that the present ad valorem tax system is unfair and unduly burdensome, and the further fact that the State is in pressing need of new revenues for the support of the general functions of State government, for the maintenance of schools, and particularly for the payment of Old Age Pensions, create an emergency and an imperative public necessity requiring that the Constitutional Rules requiring bills to be read on three several days in each House be suspended, and that this bill take effect from and after its passage, and said rules are hereby suspended, and it is so enacted.

Question—Shall the amendment to the substitute be adopted?

Senate Bill No. 47 With House Amendments.

Senator Cotten called up S. B. No. 47 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Senator Cotten moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the difference between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed Senators Cotten, Van Zandt, Head, Burns and Isbell as the conference committee on the bill on the part of the Senate.

Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 83, "An Act providing for the protection of the public

health; defining certain terms used in the Act; authorizing the State Health Officer to define and fix the specifications for certain grades of milk and milk products as defined in the Act; authorizing the State Health Officer and his representatives to supervise and regulate the labeling of milk and milk products; enabling cities and counties to require all milk sold within their boundaries to be graded and labeled; forbidding the use of certain grade labels except under certain conditions and providing penalties and remedies for violation of said provisions; forbidding the use of grade labels or other designs or devices misrepresenting the contents of any container of milk or milk products; providing remedies and penalties for the enforcement of this Act; provided that if any portion of the Act be held inoperative or invalid the remainder of the Act shall be unaffected thereby and declaring an emergency."

H. B. No. 440, "An Act defining certain words and phrases as used herein; regulating and controlling the production, preparation, manufacture, possession, transportation, sale, disposition, and use of cocoa leaves, cocaine, opium, morphine, codeine, heroin, and any compound, manufacture, salt, derivative, mixture, and preparation thereof, or of either of them; providing for licenses to persons manufacturing, compounding, mixing, cultivating, growing, or otherwise producing narcotic drugs and for wholesalers thereof; providing for an annual license fee; providing to whom manufacturer or wholesaler may sell narcotic drugs; official return and orders for such sales; when possession or control of narcotic drugs lawful; limitation on right of designated persons to administer narcotic drugs; providing for sales by pharmacists upon prescription; what prescription to state; preservation and non-refilling of prescription; sale of stock by legal owner discontinuing dealing in narcotic drugs; sales by pharmacists of solutions containing narcotic drugs; providing for prescription for, or administering, narcotic drugs by physicians or dentist; etc, and providing when this Act shall take effect."

S. B. No. 454, "An Act providing for the appointment of grand jury bailiffs by the judge of the criminal

district court in any county having population of not less than two hundred and ninety thousand (290,000) inhabitants and not more than three hundred and twenty thousand (320,000) inhabitants, according to the United States Census of 1930 and all future Federal Census, etc., and declaring an emergency."

S. B. No. 420, "An Act relating to the jurisdiction of the county court of Sterling County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

S. B. No. 226, "An Act to increase the police powers of all incorporated cities and towns and authorizing such cities and towns to, by suitable ordinance, regulate, supervise, control and license all persons, firms or corporations engaged, primarily or incidentally, in the business of buying, selling or dealing in used motor vehicles or parts thereof or accessories within the corporate limits of such city or town; providing that if any part of this Act is declared unconstitutional such decision shall not affect the validity of the remaining portion of the Act, and declaring an emergency."

S. B. No. 455, "An Act validating the detachment of certain territory from Orangedale Common School District No. 23 of Bee County and the annexation of same to the Beeville Independent School District of said county, pursuant to the provisions of Chapter 339, Acts of the Forty-fourth Legislature, Regular Session; validating an election held in said Orangedale Common School District No. 23 on the 19th day of December, 1936, to determine whether or not said territory should be detached from said Orangedale Common School District No. 23 and annexed to Beeville Independent School District; validating an order of the County Board of School Trustees of Bee County, Texas, establishing and defining the Beeville Independent School District No. 1; validating an election held on the 3rd day of April, 1937, in Beeville Independent School District No. 1 on the question of the

assumption of the outstanding bonds of the former Beeville Independent School District and the proportionate part of the outstanding bonds of Orangedale Common School District No. 23; and declaring an emergency."

S. B. No. 376, "An Act to amend Article 6069, Revised Civil Statutes of Texas, relating to the duties of the State Parks Board, and declaring an emergency."

S. B. No. 222, "An Act to provide for the cession by the State of Texas to the United States of America of all right, title, and interest which the State of Texas may have in and to certain lands in Cameron and Hidalgo Counties comprising the bed and banks of the Rio Grande, and to certain lands in Cameron, Hidalgo, and Willacy Counties comprising the bed and banks of the Arroyo Colorado; retaining jurisdiction as to certain of such lands in the State of Texas for certain purposes; reserving the rights of the State of Texas, and residents and citizens thereof, to waters of the Rio Grande and the Arroyo Colorado, and in the use thereof, and in the access thereto; and declaring an emergency."

S. B. No. 406, "An Act to increase the civil jurisdiction of the county court of Collingsworth County, and declaring an emergency."

S. B. No. 377, "An Act making an emergency appropriation to the Texas Prison System, and declaring an emergency."

S. B. No. 452, "An Act creating a more efficient road law for Parmer County, Texas, authorizing the commissioners' court to require surety bonds of road overseers, validating certain time warrants and the proceedings heretofore had by the county and by its officials in reference to the issuance of certain time warrants for the purchase of rights-of-way, authorizing the commissioners' court of said county to issue serial coupon bonds of said county in the funding of said time warrants, and to levy all or any part of the fifteen cents special road and bridge maintenance tax of said county for payment of said bonds; providing that if any part of this Act shall be declared unconstitutional, such holding shall not impair or invalidate other parts of this Act; and declaring an emergency."

S. B. No. 317, "An Act making it unlawful to use or possess a seine, net or trawl in certain waters of Nueces County; providing for the use of certain tackle for catching bait in such waters; providing that it shall be lawful to use a licensed trawl, net or seine in the other salt waters of Nueces County; providing a penalty for any violation of this Act and giving the Game, Fish and Oyster Commission or authorized agent the right to hold certain tackle as evidence; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

S. B. No. 443, "An Act creating a special road law for Waller County, Texas; providing said county may fund or refund the indebtedness outstanding against its road and bridge fund as of March 1, 1937, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the commissioners' court of said county, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purposes of this Act; repealing all laws in conflict and declaring an emergency."

S. B. No. 417, "An Act authorizing the county judge to employ a stenographer or clerk in any county having a population of not more than 15,175 and not less than 15,125 inhabitants according to the last preceding census; regulating the salary of same; providing for payment of salary; providing for removal and declaring an emergency."

S. B. No. 245, "An Act to amend Article 492 of Chapter 8, Title 16, of the Revised Civil Statutes of Texas, 1925, with respect to State control of banking institutions; providing that corporations organized under such title are declared to be governmental instrumentalities of the State; repealing all laws in conflict; declaring an emergency."

H. B. No. 81, "An Act to aid the Pease River Flood Control District, a State agency, in carrying out the purposes for which it was created by

Chapter 420, General and Special Laws, First Called Session, Forty-fourth Legislature (S. B. No. 62 of said Session), including the acquiring of lands, leases, easements, and acquittances, rights-of-way, structures, buildings, and equipment, and including the operation of structures, dams, reservoirs, and canals, suitable, in so far as practicable, for the control of the flood waters of the Pease River watershed, declaring it to be a public calamity; granting and donating, with certain limitations, to said district for a period of two years all of the State ad valorem taxes in the following counties which otherwise would go into the General Revenue Fund of the State of Texas, namely: Cottle, Foard, Hardeman, and Wilbarger, etc., and declaring an emergency."

House Bill No. 1006 on Second Reading.

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1006, A bill to be entitled "An Act to amend Chapter 57 of the Acts of the Forty-first Legislature of Texas, Regular Session, by amending Section 12 thereof so as to provide for the funding of scrip and warrant indebtedness of the road and bridge fund of Montgomery County, Texas, legally incurred prior to January 1, 1937; and by adding to said Act Section 13b, validating, ratifying, legalizing and confirming an issue of \$65,391.77 of road and bridge funding warrants of said county, dated November 1, 1936, and authorizing the funding thereof into coupon bonds of said county, in accordance with the terms and provisions of this Act; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 1006 on Third Reading.

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1006 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Senate Bill No. 407 on Second Reading.

On motion of Senator Small and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 407, A bill to be entitled "An Act authorizing the Railroad Commission of Texas to promulgate rules, regulations and orders to prevent or lessen drainage from any developed property caused or threat-

ened by the production of gas from any gas well in any common reservoir in this State, and to prevent or lessen the drainage of gas as between different zones in such common reservoirs; authorizing the Railroad Commission to restrict and regulate the production of gas from wells and zones to prevent or lessen drainage; authorizing the Railroad Commission to issue all rules, regulations and orders necessary to enforce the law; authorizing zoning of any common reservoir; defining terms; prescribing the minimum limits to which the production of any well may be restricted; prohibiting production in excess of the amount fixed by the Railroad Commission; providing for cumulative production; prescribing penalties and suits for their collection; providing for injunctions to restrain violations; providing for suits to test the validity of any rules, regulations and orders; repealing all laws in conflict with this Act; and declaring an emergency."

The President laid the bill before the Senate, and it was read second time.

Senator Small offered the following amendment to the bill:

Amend Section 2, Section 2a and Section 3 of S. B. No. 407 by substituting in lieu thereof the following:

"Sec. 2. In any common reservoir in this State producing both sweet and sour gas, there shall never be produced from such common reservoir for utilization in carbon black manufacture, a maximum daily volume of sour gas from such gas wells in excess of seven hundred fifty million (750,000,000) cubic feet, which daily volume of sour gas from gas wells shall be prorated by the Commission among all the sour gas wells in such reservoir so as to prevent cognizable and preventable drainage of gas from tracts of land in such sour gas producing area, segregated at to surface position and common ownership on which such sour gas wells are located; provided that if the daily demand for sour gas from gas wells for utilization in carbon black manufacture is less than the daily maximum allowable hereinabove permitted, the total daily volume of gas from gas wells from

such sour gas area for utilization in carbon black manufacture shall be equal to such daily demand, which demand shall be determined by the Commission and shall be prorated among all the sour gas wells in such area as herein provided.

"If a lawful daily demand exists for sour gas from gas wells for purposes of utilization permitted by existing law, other than the manufacture of carbon black, such additional demand shall be added to such daily demand for carbon black manufacture as hereinabove set forth, which sum shall constitute the daily volume of sour gas from gas wells which may be withdrawn from such common reservoir for utilization. Such daily volume shall be prorated by the Commission among the sour gas wells in such area on the basis hereinabove set forth.

"It shall be unlawful for any person to produce sour gas from any sour gas well in such reservoir in excess of the daily allowable production for such gas well as fixed by the orders and schedules of the Commission. The rate of production from any sour gas well shall be deemed to be the daily average rate of production for the calendar month.

"Sec. 2a. In administering the provisions of this law the Commission shall hold hearings, make determinations, and make and promulgate orders, rules and regulations as provided in Sections 12, 13, and 14 of Chapter 120, Acts, Forty-fourth Legislature, Regular Session. The Commission shall otherwise have the duty to make and promulgate any rule, regulation or order it may find necessary to carry out the provisions of this law, after notice and hearing for such purpose.

"Sec. 3 (a) In any common reservoir in this State producing both sweet and sour gas, it shall be unlawful for any person to operate a plant for the extraction of the natural gasoline content of gas in which plant casinghead gas is commingled with either sweet gas or sour gas, or both, or where sweet gas and sour gas are commingled, until such person secures from the Commission a permit authorizing the operation of such plant. It shall be the duty of the Commission to issue such permits when it shall appear that such plant is being operated, and the residue gas from same is and shall be disposed of in accordance with the provisions of this section.

"(b) Where any such plant in such common reservoir commingles casinghead gas with sweet gas or sour gas, or both, it shall not be lawful for the operator of such plant to blow, or permit to be blown, into the air any of the residue gas remaining after the gasoline content of such gas is extracted; provided, however, the operator of such plant shall be permitted to blow to the air such amount of residue gas from said plant as is determined by the Commission to be necessary in order to accomplish uninterrupted deliveries in required amounts to carbon black plants for carbon black manufacture.

"(c) Where any such plant in such common reservoir commingles casinghead gas with sweet gas or where any such plant commingles sweet gas with sour gas, it shall be the duty of the Commission to ascertain the quantity of residue gas which is required to be used for fuel purposes in the efficient operation of the plant and also the quantity of residue gas which is required to be returned by the operator of such plant to the leases to which the plant is connected for use as fuel in the operation of such leases. The operator of such plant shall be required to utilize or cause to be utilized for one or more of the uses provided for sweet gas by existing law a quantity of the residue gas from such plant which is equal to the quantity of sweet gas which is taken into said plant for processing, less the extraction loss from such processing, but such operator shall not be credited with use of such residue for plant-fuel or lease fuel operations in an amount in excess of the quantity of such residue gas found by the Commission to be necessary for the efficient operation of such plant and return to such leases for fuel for lease operations.

"(d) The commingling in any such plant of casinghead gas with sweet gas or sour gas, or both, or of sweet gas with sour gas, except upon the conditions and requirements set forth in Section 3 of this Act, is hereby declared to be unlawful. Whenever it shall be made to appear to the Commission that any such plant is operating in violation of any of the provisions of this Section, it shall be the duty of the Commission to cancel the permit so issued to such plant, and it shall thereafter be unlawful

for the operator of such plant to commingle either casinghead gas with sweet gas or sour gas or to commingle sweet gas and sour gas in any such plant for the purpose of extracting the natural gasoline content thereof."

And amend the caption to conform.

The amendment was adopted.

S. B. No. 407 was then passed to engrossment.

Senate Bill No. 407 on Third Reading.

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 407 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

The President then laid S. B. No. 407 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31.

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Davis	Small
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Recess.

On motion of Senator Moore, the Senate at 12:20 o'clock p. m., took recess to 2:15 o'clock p. m. today.

Afternoon Session.

The Senate met at 2:15 o'clock p. m. and was called to order by the President.

Senate Resolution No. 69.

Senator Hill offered the following resolution:

Whereas, The Hon. Charles L. Brachfield, former Member of the State Senate, former District Judge, a distinguished citizen of Rusk County and of Texas, is now within the Capitol; therefore, be it

Resolved, That this distinguished guest be invited to address the Senate and that he have the privileges of the floor.

HILL,
PACE.

The resolution was read.

On motion of Senator Hill and by unanimous consent, the regular order of business was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

Accordingly, the President appointed Senators Hill, Pace and Moore to escort Hon. Charles L. Brachfield to the President's stand.

The President presented Senator Hill, who introduced Senator Brachfield to the Senate.

Senator Brachfield then addressed the Senate briefly.

Senate Joint Resolution No. 5 on Engrossment.

The Senate resumed consideration of pending business, same being S. J. R. No. 5, on its passage to engrossment, with amendment by Senator Sulak, substitute by Senator Small and others for the amendment, and amendment by Senator Sulak to the substitute, pending.

Question—Shall the amendment to the substitute be adopted?

On motion of Senator Sulak, the resolution was tabled subject to call.

Leave of Absence Granted.

Senator Small was granted leave

of absence for the remainder of today, on account of important business, on motion of Senator Rawlings.

House Bill No. 493 on Second Reading.

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 493, A bill to be entitled "An Act to amend Article 416, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 26, Chapter 9, Section 1, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 493 on Third Reading.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 493 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Alkin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Alkin	Brownlee
Beck	Burns

Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Spears
Isbell	Stone
Lemens	Sulak
Moore	Van Zandt
Neal	Weinert
Nelson	Westerfeld
Newton	Winfield
Oneal	Woodruff

Absent—Excused.

Small

House Bill No. 566 on Second Reading.

On motion of Senator Beck and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 566, A bill to be entitled "An Act declaring it unlawful for any person to sell, take or have in his possession for the purpose of barter or sale any wild fox or the pelt thereof in Cass County; declaring it unlawful for any person to catch any fur bearing animal in Cass County with a steel trap, dead fall, or any other mechanical device; providing that this Act shall not include moles, gophers and salamanders as fur bearing animals and providing that this Act shall not apply to the taking of fur bearing animals with dogs; providing a penalty for the violation of this Act; repealing all laws and parts of laws in conflict; providing that this Act shall be in force for a period of five years, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 566 on Third Reading.

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 566 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President laid H. B. No. 566 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

House Bill No. 998 on Second Reading.

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 998, A bill to be entitled "An Act fixing the salaries of certain county officials in certain counties with a population of not less than twelve thousand, two hundred twenty-seven (12,227) and not more than twelve thousand two hundred

thirty (12,230) according to the last preceding Federal Census of 1930, and declaring an emergency."

On motion of Senator Burns and by unanimous consent Senate Rule 31a was suspended, to permit consideration of the bill at this time.

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 998 on Third Reading.

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 998 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Absent—Excused.

Brownlee Small

The President then laid H. B. No. 998 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Neal
Beck	Nelson
Burns	Newton
Collie	Oneal
Cotten	Pace
Davis	Rawlings
Head	Redditt
Hill	Roberts
Holbrook	Shivers
Isbell	Spears
Lemens	Stone
Moore	Sulak

Van Zandt	Winfield
Weinert	Woodruff
Westerfeld	

Absent—Excused.

Brownlee Small

Senate Bill No. 132 on Second Reading.

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 132, A bill to be entitled "An Act repealing Article 502 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

Senate Bill No. 132 on Third Reading.

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 132 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Absent—Excused.

Brownlee Small

The President laid S. B. No. 132 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Oneal
Beck	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff
Newton	

Absent—Excused.

Brownlee Small

Senate Bill No. 474 on Second Reading.

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 474, A bill to be entitled "An Act authorizing, consenting to and granting permission to J. W. Sessions to sue the State of Texas, and ratifying and confirming consent heretofore given; and declaring an emergency."

On motion of Senator Redditt and by unanimous consent, Senate Rule No. 31a was suspended, to permit consideration of the bill at this time.

The President laid the bill before the Senate, it was read second time and was passed to engrossment.

Senate Bill No. 474 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 474 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Cotten
Beck	Davis
Brownlee	Head
Burns	Hill
Collie	Holbrook

Isbell	Roberts
Lemens	Shivers
Moore	Spears
Neal	Stone
Nelson	Sulak
Newton	Van Zandt
Oneal	Weinert
Pace	Westerfeld
Rawlings	Winfield
Redditt	Woodruff

Absent—Excused.

Small

The President then laid S. B. No. 474 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

House Bill No. 477 on Second Reading.

On motion of Senator Head and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 477, A bill to be entitled "An Act to make it unlawful to hunt, shoot or kill any deer for a period of three years in Coryell County, Texas; fixing penalty; repealing all laws and parts of laws, and declaring an emergency."

The President laid the bill before the Senate, and it was read second time.

Senator Burns offered the following amendment to the bill:

Amend H. B. No. 477, by adding after "Coryell County" the following counties:

"Madison, Leon, Grimes, Robertson, Brazos, Polk, Burleson, Lee and Bastrop." And amend caption to conform.

BURNS,
STONE.

The amendment was adopted.

H. B. No. 477 was then passed to third reading.

House Bill No. 477 on Third Reading.

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 477 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small .

The President then laid H. B. No. 477 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Isbell
Beck	Lemens
Brownlee	Moore
Burns	Neal
Collie	Nelson
Cotten	Newton
Davis	Oneal
Head	Pace
Hill	Rawlings
Holbrook	Redditt

Roberts
Shivers
Spears
Stone
Sulak

Van Zandt
Weinert
Westerfeld
Winfield
Woodruff

Absent—Excused.

Small

House Bill No. 395 on Second Reading.

On motion of Senator Davis, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 395, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being House Bill No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8 of the Acts of the Third Called Session of the Forty-first Legislature, Senate Bill No. 22, and further amended in Chapter 313 of the Acts of the Regular Session of the Forty-first Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 48 of the Acts of the Regular Session of the Forty-third Legislature, and as further amended by Chapter 34 of the Special Laws of the Acts of the Regular Session of the Forty-fourth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Irion, and declaring an emergency."

The President laid the bill before the Senate, it was read second time, and was passed to third reading.

House Bill No. 395 on Third Reading.

Senator Davis moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 395 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President then laid H. B. No. 359 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

Senate Bill No. 331 on Second Reading.

On motion of Senator Hill, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 331, A bill to be entitled "An Act to amend Chapter 246, page 624, Acts of the Forty-fourth Legislature, being Section 10 of Article

6066a, Subsections (b) and (c), and amending Section 13, Article 6049e, Revised Civil Statutes of 1925, as amended, and declaring an emergency."

The Preseident laid the bill before the Senate and it was read second time.

On motion of Senator Hill, the bill was tabled subject to call.

House Bill No. 848 on Second Reading.

On motion of Senator Holbrook, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 848, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than 17,600 and not more than 17,700 according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 848 on Third Reading.

Senator Holbrook moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 848 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Moore
Beck	Neal
Brownlee	Nelson
Burns	Newton
Collie	Oneal
Cotten	Pace
Davis	Rawlings
Head	Redditt
Hill	Roberts
Holbrook	Shivers
Isbell	Spears
Lemens	Stone

Sulak	Westerfeld
Van Zandt	Winfield
Weinert	Woodruff

Absent—Excused.

Small

The President then laid H. B. No. 848 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

Bills Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 106, "An Act repealing House Bill No. 51, Chapter 9, passed by the Forty-third Legislature, at its First Called Session, creating the Bank Deposit Insurance Company, authorizing the liquidation of the affairs of the Bank Deposit Insurance Company; providing a method and a jurisdiction for such liquidation; providing for the right of objection upon the part of any person aggrieved and authorizing a hearing thereon; providing for appeal and writ of error; and declaring an emergency."

S. B. No. 235, "An Act amending Sections 4 and 7 of Senate Bill 165, Chapter 165, passed by the Forty-second Legislature, at its regular session; repealing all laws and parts of Laws in conflict herewith; providing that if any part of this bill be held invalid, same shall not affect the remainder hereof; and declaring an emergency."

House Bill No. 1004 on Second Reading.

On motion of Senator Redditt, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 1004, A bill to be entitled "An Act providing that the commissioners' court of any county wherein the United States Government has or shall hereafter purchase at least twenty-five (25%) per cent in area of the land in said county for reforestation and other purposes, may with the consent of the Board of County and District Road Indebtedness and the holders of at least eighty (80%) per cent of the bonds hereinafter described, refund, under the provisions of existing law, the road bonds of any such county or of any road district or political subdivision thereof; etc., and declaring an emergency."

The President laid the bill before the Senate.

On motion of Senator Redditt, and by unanimous consent, the Senate Rule 31a was suspended, to permit consideration of the bill at this time.

The bill was read second time and was passed to third reading.

House Bill No. 1004 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1004 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.**Small**

The President then laid H. B. No. 1004 before the Senate on its third reading and final passage.

(Senator Collie in the Chair:)

The bill was read third time and was passed by the following vote:

Yeas—30.

Alkin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.**Small****House Bill No. 494 on Second Reading.**

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 494, A bill to be entitled "An Act to amend Article 4993, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 31, Chapter 11, Section 1, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 494 on Third Reading.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 494 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Alkin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.**Small**

The Presiding Officer then laid H. B. No. 494 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Alkin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.**Small****House Bill No. 653 on Second Reading.**

On motion of Senator Neal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 653, A bill to be entitled "An Act making it the duty of the Commissioner of Agriculture of the State of Texas to control and/or eradicate the Mexican fruit fly in the

State of Texas; providing a title for said Act; defining certain terms as used herein; providing a host-free period, and authorizing the Commissioner of Agriculture of the State of Texas to adopt the host-free period promulgated by the United States Department of Agriculture; etc., and declaring an emergency."

(President in the Chair.)

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 653 on Third Reading.

Senator Neal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 613 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The President then laid H. B. No. 653 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Holbrook
Beck	Isbell
Brownlee	Lemens
Burns	Moore
Collie	Neal
Cotten	Nelson
Davis	Newton
Head	Oneal
Hill	Pace

Rawlings	Sulak
Redditt	Van Zandt
Roberts	Weinert
Shivers	Westerfeld
Spears	Winfield
Stone	Woodruff

Absent—Excused.

Small

(Senator Rawlings temporarily in the Chair.)

(President in the Chair.)

House Bill No. 661 on Second Reading.

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 661, A bill to be entitled "An Act declaring certain months closed to fishing in Jones and Shackelford Counties; providing means and methods of taking and possessing fish taken from the fresh waters of said counties; prohibiting the sale of fish taken from fresh waters of said counties; prescribing the bag limit that may be taken in any one day and declaring fish under certain sizes shall be returned to the water which they were taken; providing that any person who violates provisions of this Act to be guilty of a misdemeanor, fixing a penalty, and declaring an emergency."

The President laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 661 on Third Reading.

Senator Nelson moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 661 be placed on its third reading and final passage.

(Senator Collie in the Chair.)

The motion prevailed by the following vote:

Yeas—30.

Aikin	Head
Beck	Hill
Brownlee	Holbrook
Burns	Isbell
Collie	Lemens
Cotten	Moore
Davis	Neal

Nelson	Spears
Newton	Stone
Oneal	Sulak
Pace	Van Zandt
Rawlings	Weinert
Redditt	Westerfeld
Roberts	Winfield
Shivers	Woodruff

Absent—Excused.

Small

The Presiding Officer then laid H. B. No. 661 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

House Bill No. 876 on Second Reading.

On motion of Senator Newton and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 876, A bill to be entitled "An Act amending Section 4 of H. B. No. 408 of the Regular Session of the Forty-fourth Legislature, fixing the compensation of county commissioners in certain counties, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read a second time and was passed to third reading.

House Bill No. 876 on Third Reading.

Senator Newton moved that the constitutional rule requiring bills to

be read on three several days be suspended and that H. B. No. 876 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The Presiding Officer then laid H. B. No. 876 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

House Bill No. 889 on Second Reading.

On motion of Senator Lemens and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 889, A bill to be entitled "An Act amending Section 1, Chapter 101 of the Special Laws of the Regular Session of the Forty-third Legislature as amended by Chapter 54 of the General and Special Laws of the First Called Session of the Forty-third Legislature are hereby amended so as to read hereafter as follows: Section 1 by striking out the counties of Hill and Johnson; Section 2 by striking out the counties of Hill and Johnson and exempting them from the provisions of this law, and creating an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 889 on Third Reading.

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 889 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The Presiding Officer then laid H. B. No. 889 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Collie
Beck	Cotten
Brownlee	Davis
Burns	Head

Hill	Redditt
Holbrook	Roberts
Isbell	Shivers
Lemens	Spears
Moore	Stone
Neal	Sulak
Nelson	Van Zandt
Newton	Weinert
Oneal	Westerfeld
Pace	Winfield
Rawlings	Woodruff

Absent—Excused.

Small

House Bill No. 990 on Second Reading.

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 990, A bill to be entitled "An Act to create a more efficient road law for Burnet County, providing the payment of a tax of three dollars (\$3.00) by all persons in said county, subject to road duty under the General Laws, or the performance of certain manual labor on the road, in the discharge of said road duty; providing the manner of assessing and collecting said road tax, and providing a penalty for failure or refusal to perform said road duty, repealing all laws in conflict herewith, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 990 on Third Reading.

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 990 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Davis
Beck	Head
Brownlee	Hill
Burns	Holbrook
Collie	Isbell
Cotten	Lemens

Moore	Shivers
Neal	Spears
Nelson	Stone
Newton	Sulak
Oneal	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Roberts	Woodruff

Absent—Excused.

Small

The Presiding Officer then laid H. B. No. 990 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

House Bill No. 666 on Second Reading.

On motion of Senator Oneal and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 666, A bill to be entitled "An Act amending Article 3410 of the Revised Civil Statutes of the State of Texas of 1925, providing in addition to the requirements of Article 3410, for the filing by the administrator or executor of an estate a list of claims owing by the estate, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 666 on Third Reading.

Senator Oneal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 666 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The Presiding Officer then laid H. B. No. 666 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

House Bill No. 930 on Second Reading.

On motion of Senator Pace and by unanimous consent, the regular order of business was suspended to take up

and have placed on its second reading and passage to third reading:

H. B. No. 930, A bill to be entitled "An Act providing for the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in certain counties, according to the last preceding Federal Census; repealing all laws and parts of laws, General or Special, in conflict herewith, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, and it was read second time.

Senator Pace offered the following amendment to the bill:

Amend H. B. No. 930 by adding a new Section to be known as Section 1A, as follows:

Section 1A. "In counties having a population of not less than 32,312 and not more than 32,320, according to the last preceding Federal Census, the county boards of trustees may make such provisions that they deem necessary for office and traveling expenses of county superintendent of public instruction, provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred (\$600.00) Dollars per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of office of the county superintendent."

And amend the caption to conform.

The amendment was adopted.

Senator Van Zandt offered the following amendment to the bill:

Amend H. B. No. 930 by adding thereto a new section to be known as Section 1B and to read as follows, to wit:

"Section 1B. In counties having a population of not more than 24,180 and not less than 24,040, and in counties having a population of not more than 46,280 and not less than 46,180, according to the last preceding Federal census, the county boards of trustees may make such provisions that they deem necessary for office and travel expenses of county superintendent of public instruction, pro-

vided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred (\$600.00) Dollars per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of office of the county superintendent."

And amend the caption to conform.

The amendment was adopted.

H. B. No. 930 was passed to third reading.

House Bill No. 930 on Third Reading.

Senator Pace moved that the constitutional rule, requiring bills to be read on three several days be suspended and that H. B. No. 930 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Holbrook
Beck	Isbell
Brownlee	Lemens
Burns	Moore
Collie	Neal
Cotten	Nelson
Davis	Newton
Head	Oneal
Hill	Pace

Rawlings	Sulak
Redditt	Van Zandt
Roberts	Weinert
Shivers	Westerfeld
Spears	Winfield
Stone	Woodruff

Absent—Excused.

Small

Senate Bill No. 461 on Second Reading.

On motion of Senator Rawlings and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 461, A bill to be entitled "An Act amending Article 463 of the Code of Criminal Procedure, 1925, as amended in Section 4, Chapter 143, Acts of Forty-second Legislature, in 1931, relating to the issuance of subpoenas in felony cases pending in district or criminal district courts of this State; etc., and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time, and was passed to engrossment.

Senate Bill No. 461 on Third Reading.

Senator Rawlings moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 461 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Alkin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The Presiding Officer laid the bill before the Senate, and it was read third time.

Question—Shall the bill be passed to third reading?

On motion of Senator Rawlings, the bill was tabled subject to call.

Senate Concurrent Resolution No. 55.

On motion of Senator Lemens and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S. C. R. No. 55, Authorizing Dr. H. R. Allman to sue the State.

The President laid the resolution before the Senate, and it was adopted.

Senate Bill No. 473 on Second Reading.

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 473, A bill to be entitled "An Act authorizing, consenting to and granting permission to C. B. Fairchild to sue the State of Texas, and ratifying and confirming consent heretofore given; and declaring an emergency."

On motion of Senator Redditt and by unanimous consent, Senate Rule 31a was suspended, to permit consideration of the bill at this time.

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to engrossment.

Senate Bill No. 473 on Third Reading.

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 473 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

House Bill No. 125 on Second Reading.

On motion of Senator Roberts and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 125, A bill to be entitled "An Act amending Article 5285, Revised Civil Statutes of Texas, of 1925, so as to provide that the deputy county surveyor shall not be required to give a larger bond than the county surveyor."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 125 on Third Reading.

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 125 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

Senate Bill No. 230 on Second Reading.

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 230, A bill to be entitled "An Act to amend Article 709 of the Penal Code of 1925, relating to use of certain preservatives in foods, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to engrossment.

Senate Bill No. 230 on Third Reading.

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 230 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The Presiding Officer laid S. B. No. 230 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Beck	Davis
Brownlee	Head
Burns	Holbrook
Cotten	Isbell

Lemens	Roberts
Moore	Shivers
Neal	Spears
Nelson	Van Zandt
Newton	Weinert
Oneal	Westerfeld
Pace	Winfield
Rawlings	Woodruff
Redditt	

Nays—5.

Aikin	Stone
Collie	Sulak
Hill	

Absent—Excused.

Small

Senate Bill No. 13 on Second Reading.

On motion of Senator Rawlings, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 13, A bill to be entitled "An Act to exempt from taxation the property owned or used exclusively and reasonably necessary in conducting an association engaged in promoting threefold religious, educational and physical development of boys and girls, young men and young women, operating under a state or national organization of life character, and all endowment funds of such institutions, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to engrossment.

Senate Bill No. 13 on Third Reading.

Senator Rawlings moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Davis
Beck	Head
Brownlee	Hill
Burns	Holbrook
Collie	Isbell
Cotten	Lemens

Moore	Shivers
Neal	Spears
Nelson	Stone
Newton	Sulak
Oneal	Van Zandt
Pace	Weinert
Rawlings	Westerfeld
Redditt	Winfield
Roberts	Woodruff

Absent—Excused.

Small

The Presiding Officer laid S. B. No. 13 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

House Bill No. 95 on Second Reading.

On motion of Senator Spears, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 95, A bill to be entitled "An Act providing that all private corporations which have heretofore been incorporated and are now authorized by their charters and the statutes of this State to operate street and interurban railways with power to distribute and sell gas and electricity to the public and which have heretofore abandoned or discontinued or may hereafter abandon or discontinue the operation of street and interurban railways and motor buses substituted therefore are hereby authorized to continue to dis-

tribute and sell electricity and gas during the unexpired period of their corporate charters just as though they continued the operation of said street and interurban railways or motor buses, or both, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 95 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 95 be placed on its third reading and final passage.

The motion prevailed by the following:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The Presiding Officer laid S. B. No. 95 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin	Moore
Beck	Neal
Brownlee	Nelson
Burns	Newton
Collie	Pace
Cotten	Rawlings
Davis	Redditt
Head	Roberts
Hill	Shivers
Holbrook	Spears
Isbell	Stone
Lemens	Sulak

Van Zandt
Weinert
Westerfeld

Winfield
Woodruff

Nays—1.

Oneal

Absent—Excused.

Small

**Senate Concurrent Resolution
No. 53.**

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time, the following resolution:

S. C. R. No. 53, Authorizing the Christian Restoration Association to sue the State of Texas.

The Presiding Officer laid the resolution before the Senate.

Senator Moore offered the following (committee) amendment to the resolution:

Amend S. C. R. No. 53, by striking out in the paragraph containing the resolving clause, the following:

"and the State of Texas expressly waives the running of the statute of limitation against said claim in order that the statute may be construed and the validity of the claim determined upon its legal permits."

The (committee) amendment was adopted.

The resolution as amended was adopted.

House Concurrent Resolution No. 79.

On motion of Senator Van Zandt, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

H. C. R. No. 79, granting Grover C. Ditto and wife permission to sue the State.

The Presiding Officer laid the resolution before the Senate, and it was adopted.

**House Bill No. 369 on Second
Reading.**

On motion of Senator Burns, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 369, A bill to be entitled

"An Act amending Article 2942, Revised Civil Statutes, 1925, by adding thereto a section to be known as Article 2942a by providing that upon petition of at least 8% of the qualified voters in any voting precinct, the Chairman of the County Executive Committee or any three members of such Committee shall nominate a supervisor of election for such voting precinct; providing that such supervisor shall be a resident of such election precinct and shall be a qualified voter thereof, and shall be selected from one of the persons signing such petition; prescribing the duties of such supervisor, and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

**House Bill No. 369 on Third
Reading.**

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 369 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

The Presiding Officer laid H. B. No. 369 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Burns
Beck	Collie
Brownlee	Cotten

Davis	Rawlings
Head	Redditt
Hill	Roberts
Holbrook	Shivers
Isbell	Spears
Lemens	Stone
Moore	Sulak
Neal	Van Zandt
Nelson	Weinert
Newton	Westerfeld
Oneal	Winfield
Pace	Woodruff

Absent—Excused.

Small

House Bill No. 1009 on Second Reading.

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to third reading:

H. B. No. 1009, A bill to be entitled "An Act to authorize the Board of Directors of the Agricultural and Mechanical College of Texas to establish and maintain a horticultural and agricultural experiment station at some point within the limits of the El Paso irrigated valley in the State of Texas for the purpose of making scientific investigations and experiments in the production of cotton, alfalfa, and farm crops, etc., and declaring an emergency."

The Presiding Officer laid the bill before the Senate, it was read second time and was passed to third reading.

House Bill No. 1009 on Third Reading.

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1009 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin	Hill
Beck	Holbrook
Brownlee	Isbell
Burns	Lemens
Collie	Moore
Cotten	Neal
Davis	Nelson
Head	Newton

Oneal	Stone
Pace	Sulak
Rawlings	Van Zandt
Redditt	Weinert
Roberts	Westerfeld
Shivers	Winfield
Spears	Woodruff

Absent—Excused.

Small

The Presiding Officer laid H. B. No. 1009 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

Absent—Excused.

Small

Committee Substitute for Senate Bill No. 27 on Second Reading.

On motion of Senator Woodruff the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

Committee Substitute for S. B. No. 27, A bill to be entitled "An Act regulating the use of local and institutional funds of institutions of higher learning in this State, prohibiting the issuance of warrants or checks without funds to cover, and prohibiting overdrafts; prohibiting said institution from executing notes or other certificates of indebtedness to any bank in this State or any banking institution, and pledging local funds in payment thereof; prescribing penalty for violation of this Act; making an appropriation to the Texas State College for Women at Denton, Texas, to reimburse sums used from local funds in carrying on

W. P. A. and P. W. A. projects; repealing all laws in conflict herewith; and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Woodruff moved that the bill be tabled subject to call.

Senator Woodruff moved the previous question on the motion to table subject to call.

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—16.

Burns	Moore
Collie	Neal
Cotten	Newton
Davis	Pace
Head	Redditt
Holbrook	Spears
Isbell	Winfield
Lemens	Woodruff

Nays—12.

Aikin	Roberts
Beck	Shivers
Brownlee	Stone
Nelson	Sulak
Oneal	Weinert
Rawlings	Westerfeld

Absent.

Hill	Van Zandt
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Absent—Excused.

Small

Senator Aikin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow, and the motion was lost.

Question recurring on the motion to table C. S. for S. B. No. 27 subject to call, it prevailed.

Senate Bill No. 32 on Second Reading.

On motion of Senator Westerfeld, and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 32, A bill to be entitled "An Act to prohibit the governing body of any incorporated city or town from advertising or soliciting bids on any so-called patented paving; requiring such cities and towns

to adopt the same standard and specifications for paving used by the State Highway Department of the State of Texas, in conjunction with the Federal Government; repealing all laws in conflict herewith, and declaring an emergency."

The Presiding Officer laid the bill before the Senate and it was read second time.

Senator Westerfeld offered the following (committee) amendments to the bill:

(1)

Amend S. B. No. 32 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. From and after the final passage of this Act, all incorporated cities and towns in this State, and the governing authorities thereof, or the governing authorities of any political subdivision of this State, shall in advertising for bids on street, highway or other paving, include in such advertisement the condition precedent that where the specifications call for any particular type of paving or paving material, that has been patented or bears a patented name, or a copyrighted name, tending to give, or giving the owners or manufacturers thereof a monopoly in the sale, laying or manufacture of such paving, that before such owners or their agents or licensees shall be permitted to bid, or shall have such bids considered, they shall file with such governing authorities, subject to inspection by the public and by other contractors and bidders, a written statement and offer, duly signed and sworn to by the manufacturers or owners of such patent pavement or monopolized material, setting for the price at which such patented pavement or material will be furnished to the licensee and to contractors and bidders not licensees, and unless the price to other contractors and bidders is the same as the price to the licensee, no bid on any such paving contract, shall be considered by any city, town, political subdivision or the governing body thereof; and any contract let, where this condition is not fully complied with, shall be void and wholly illegal and non-enforceable.

Sec. 2. All laws and parts of laws

in conflict herewith are expressly repealed.

Sec. 3. Whereas, the public policy of this State is for full competition in the awarding of public contracts, and whereas the practice of designating so-called patented paving, obtaining in many cities, towns and political subdivisions of this State, when advertising for bids on paving, eliminates open competition and tends to and does establish a monopolistic practice, detrimental to fair-minded contractors who are thus shut out from all bidding, contrary to good business and sound public policy; and the plan set forth in this Act will tend to correct this evil, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is suspended in order that this law may take effect and be in force immediately from and after its passage, and it is so enacted.

(2)

Amend S. B. No. 32 by striking out all above the enacting clause and inserting in lieu thereof, the following:

A BILL

To Be Entitled

An Act regulating bidding on paving for cities, towns and other political subdivisions of this State; requiring owners of patented paving to first qualify for bidding on such paving by filing an offer to sell to other bidders including licensees, the patented material at a common price, as a condition precedent; providing for competition in such bids and making certain bids illegal and void; repealing all laws in conflict herewith, and declaring an emergency.

The (committee) amendments were adopted severally.

S. B. No. 32 was then passed to engrossment.

Motion to Suspend Constitutional Rule.

Senator Westerfeld moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 32 be placed on its third reading and final passage.

The motion was lost by the follow-

ing vote (not receiving the necessary four-fifths vote):

Yeas—21.

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Head	Spears
Hill	Sulak
Isbell	Van Zandt
Lemens	Westerfeld
Nelson	

Nays—8.

Davis	Stone
Holbrook	Weinert
Neal	Winfield
Rawlings	Woodruff

Absent.

Moore

Absent—Excused.

Small

Adjournment.

On motion of Senator Moore, the Senate, at 4:45 o'clock p. m. adjourned until 10 o'clock a. m. next Monday.

APPENDIX.

Bills Filed in Department of State.

Austin, Texas, April 15, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Wednesday, April 14, 1937:

S. B. No. 41:

Vote in Senate, yeas 21, nays 5.

Vote in House, yeas 104, nays 21.

S. B. No. 218:

Vote in the Senate, viva voce.

Vote in House, yeas 104, nays 1.

Date signed by the Governor, April 14, 1937.

S. B. No. 337:

Vote in Senate, yeas 31, nays 0.

Vote in House, yeas 124, nays 2.

S. B. No. 343:

Vote in Senate, yeas 22, nays 5.

Vote in House, yeas 119, nays 3.

Date signed by the Governor,
April 14, 1937.

S. B. No. 365:
Vote in Senate, yeas 27, nays 0.
Vote in House, yeas 115, nays 6.
Date signed by the Governor,
April 14, 1937.

H. B. No. 150:
Vote in Senate, yeas 27, nays 0.
Vote in House, yeas 123, nays 0.
Date signed by the Governor,
April 14, 1937.

H. B. No. 271:
Vote in Senate, yeas 23, nays 2.
Vote in House, yeas 121, nays 1.

H. B. No. 326:
Vote in Senate, yeas 27, nays 0.
Vote in House, yeas 121, nays 0.
Date signed by the Governor,
April 14, 1937.

H. B. No. 429:
Vote in Senate, yeas 27, nays 0.
Vote in House yeas 113, nays 0.
Date signed by the Governor,
April 14, 1937.

H. B. No. 605:
Vote in Senate, yeas 27, nays 2.
Vote in House, yeas 124, nays 0.
Date signed by the Governor,
April 14, 1937.

H. B. No. 810:
Vote in Senate, yeas 31, nays 0.
Vote in the House, viva voce.
Date signed by the Governor,
April 14, 1937.

H. B. No. 896:
Vote in Senate, yeas 28, nays 0.
Vote in House, yeas 120, nays 0.
Date signed by the Governor,
April 14, 1937.

H. B. No. 1029:
Vote in Senate, yeas 28, nays 0.
Vote in House, yeas 117, nays 0.
Date signed by the Governor,
April 14, 1937.

H. C. R. No. 93:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
April 14, 1937.

Assuring you of my sincere pleasure in performing this service, I am,
Yours very truly,
EDWARD CLARK,
Secretary of State.
M. E. SANDLIN,
Assistant Secretary of State.

Bills Filed in Department of State.

Austin, Texas, April 16, 1937.
Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-fifth Legislature which were filed in this office Thursday, April 15, 1937:

S. B. No. 301:
Vote in Senate, yeas 27, nays 0.
Vote in House, yeas 125, nays 1.
Date signed by the Governor,
April 15, 1937.

S. B. No. 362:
Vote in Senate, yeas 27, nays 0.
Vote in House, yeas 123, nays 0.
Date signed by the Governor,
April 15, 1937.

S. B. No. 447:
Vote in Senate, yeas 27, nays 0.
Vote in House, yeas 114, nays 1.

S. C. R. No. 56:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
April 15, 1937.

H. B. No. 377:
Vote in Senate, yeas 30, nays 0.
Vote in House, yeas 121, nays 0.
Date signed by the Governor,
April 15, 1937.

H. B. No. 525:
Vote in Senate, yeas 28, nays 0.
Vote in House, yeas 115, nays 3.
Date signed by the Governor,
April 15, 1937.

H. B. No. 596:
Vote in Senate, yeas 28, nays 0.
Vote in House, yeas 121, nays 0.
Date signed by the Governor,
April 15, 1937.

H. C. R. No. 95:
Vote in Senate, viva voce.
Vote in House, viva voce.
Date signed by the Governor,
April 15, 1937.

Assuring you of my sincere pleasure in performing this service, I am,
Yours very truly,

EDWARD CLARK,
Secretary of State.
M. E. SANDLIN,
Assistant Secretary of State.

Reports of Standing Committees.

Committee Room,
Austin, Texas, April 16, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 55, An Act granting Dr. H. R. Allman, his heirs, executors and administrators permission to sue the State of Texas and the State Live Stock Sanitary Commission of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 16, 1937,

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on County and County Boundaries, to whom was referred

S. B. No. 478, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million Dollars, according to the last approved tax rolls; and providing that in all counties of not less than 23,701 inhabitants and not more than 23,860 inhabitants according to the last preceding Federal Census, the Commissioners' Courts thereof shall have the power to determine whether an auditor for such county is a public necessity in the dispatch of the county's business, and if such court determines that such necessity exists for such auditor, it may appoint same, who shall qualify and perform the duties required of a county auditor in this State, and such Commissioners' Court shall have the power to discontinue such office at any time that it may determine that such auditor be not a public necessity; and providing for additional compensation for the County Auditors in such counties having more than 200,000

population and not more than 300,000 population according to the last Federal census where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, April 15, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 2, "Proposing an amendment to Article III of the Constitution of the State of Texas, by adding a new Section thereto to be known as Section 48b, authorizing the Legislature to establish a system of unemployment insurance; providing for the levying of a tax on pay rolls for such purpose; providing for its submission to the voters as required by the Constitution, and making an appropriation therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 16, 1937,

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 772, A bill to be entitled "An Act amending Section 9 of Chapter 101 of the General and Special Laws of the First Called Session of the Forty-third Legislature, being H. B. No. 31 and as amended by Chapter 346 of the General and Special Laws of the Regular Session of the Forty-fourth Legislature, being H. B. No. 991; providing the method of disbursement of the funds of such firemen, policemen and fire alarm operator's pension fund, the Section of said Acts so amended hereinafter set out, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 16, 1937,
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 139, A bill to be entitled "An Act declaring the policy of and making appropriation for the support, maintenance, operation, and improvement of the several state institutions of higher learning for the two fiscal years, beginning September 1, 1937, and ending August 31, 1939, both dates inclusive, and for certain other educational agencies of the State, prescribing certain restrictions concerning the expenditures of said appropriation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WOODRUFF, Vice-Chairman.

Committee Room,
Austin, Texas, April 15, 1937,
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 420 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, April 16, 1937,
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 235 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, April 16, 1937,
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. B. No. 106 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

SIXTY-FIRST DAY.

(Monday, April 19, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called and the following Senators were present:

Aikin	Newton
Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Redditt
Cotten	Roberts
Davis	Shivers
Head	Small
Hill	Spears
Holbrook	Stone
Isbell	Sulak
Lemens	Van Zandt
Moore	Westerfeld
Neal	Winfield
Nelson	Woodruff

The following Senator was absent and excused:

Weinert

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of Friday, April 16, 1937, was dispensed with, on motion of Senator Roberts.

Reports of Standing Committees.

Reports on Senate Bills Nos. 185, 476, and 479 and on House Bills Nos. 527, 1057 and 985 were submitted by the chairmen of the several committees to which they were referred.

Leave of Absence Granted.

Senator Weinert was granted leave of absence for today, on account of important business, on motion of Senator Holbrook.

Senate Joint Resolution No. 5 on Engrossment.

Senator Sulak called up from the President's table, on its passage to engrossment (the resolution having been read second time on Wednesday, April 7, 1937 and having been tabled subject to call on Friday, April 16, 1937):

S. J. R. No. 5, Proposing an amendment of Section 51b of Article